

EXHIBIT C

KUTAK ROCK LLP

**THE THREE SISTERS BUILDING
214 WEST DICKSON STREET**

FAYETTEVILLE, ARKANSAS 72701-5221

479-973-4200

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www.kutakrock.com

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LITTLE ROCK OFFICE

SUITE 2000

124 WEST CAPITOL AVENUE

LITTLE ROCK, ARKANSAS 72201-3706

501-975-3000

MICHAEL BOND
michael.bond@kutakrock.com
(479) 973-4200

November 29, 2007

VIA ELECTRONIC MAIL

Mr. David M. Riggs
RIGGS, ABNEY, NEAL, TURPEN,
ORBISON & LEWIS
502 West 6th Street
P.O. Box 1046
Tulsa, Oklahoma 74101

Re: *State of Oklahoma, et al. v. Tyson Foods, Inc., et al.*
U.S.D.C. Northern District of Oklahoma Case No. 4:05-CV-0329-GKF-SAJ

Dear Mr. Riggs:

Please find enclosed herewith, subpoenas directed to each of the nine experts who filed affidavits containing expert opinions in support of the State's Preliminary Injunction Motion. These subpoenas seek the production of documents from these experts. Please confirm that you are authorized to accept service of these subpoenas on behalf of these experts. If you are unable to confirm authority to accept service by the close of business on Friday, November 30, 2007, we will proceed with formal service of process on each of these experts.

To the extent these subpoenas request the production of documents also requested in the November 15, 2007 Requests for Production served upon the State by Tyson Foods, Inc. we are not asking the State and its experts to produce these documents twice. These subpoenas are being served out of an abundance of caution in hopes of avoiding unnecessary delays in the production of documents and procedural arguments as to whether documents in the possession of the State's experts are within the State's custody and control for purposes of Rule 34.

Finally, please be advised that these subpoenas do not seek the production of prior drafts of the affidavits submitted by these experts. The defendants are willing to enter into a stipulation of non-discoverability as to drafts of expert affidavits and reports if the State is still interested in such a stipulation. The defendants, however, are not interested in the State's proposed stipulation of non-discoverability as to communications with experts.

KUTAK ROCK LLP

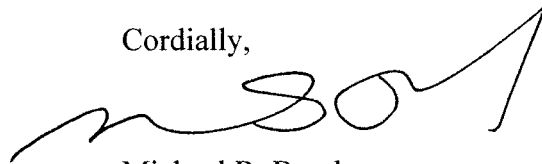
Mr. David M. Riggs

November 29, 2007

Page 2

Thank you for your continued cooperation in this matter. Please feel free to give me or Robert George a call at 479-973-4200 should you have any questions.

Cordially,

A handwritten signature in black ink, appearing to read 'mrbond', with a long, sweeping horizontal line extending to the left and a sharp upward stroke on the right.

Michael R. Bond

Enclosures

cc: Counsel of Record (via e mail)

United States District Court**WESTERN DISTRICT OF OKLAHOMA**State of Oklahoma, *et al.*

SUBPOENA IN A CIVIL CASE

V.

Tyson Foods, Inc., *et al.*CASE NUMBER¹: 4:05-CV-00329 GKF-SAJ
Northern District of OklahomaTO: **Lowell Caneday**, 4616 West Country Club Drive, Stillwater, Oklahoma 74074☐ YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY

COURTROOM

DATE AND TIME

☐ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION

DATE AND TIME

☒ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): **See Exhibit A attached hereto.**PLACE **KUTAK ROCK, LLP, 214 West Dickson Street, Fayetteville, Arkansas
72701**DATE AND TIME
December 10, 2007 @ 9a.m.☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES

DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

Michael R. Bond, Attorney for Defendant Tyson Foods, Inc.

DATE

November 29, 2007

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

Michael R. Bond
KUTAK ROCK LLP
214 West Dickson Street
Fayetteville, AR 72701
(479) 973-4200

(See Rule 45, Federal Rules of Civil Procedure, Parts C & D on next page)

¹ If action is pending in district other than district of issuance, state district under case number.
4849-7544-9346.1

Subpoena in a Civil Case

PROOF OF SERVICE

SERVED	DATE	PLACE
SERVED ON (PRINT NAME)		MANNER OF SERVICE
SERVED BY (PRINT NAME)		TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on

Date

Signature of Server

Address of Server

Rule 45, Federal Rules of Civil Procedure, Parts C & D:

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expenses resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance;

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in per-

son, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

(B) If a Subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrence in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

EXHIBIT A

DEFINITIONS

The following definitions shall apply to this Subpoena:

1. If a term is undefined, you shall ascribe the common, dictionary meaning to the term.
2. For purposes of these Requests: (i) the plural shall include the singular and the singular the plural; (ii) one gender shall include the other gender; and (iii) the past tense shall include the present tense and vice versa.
3. The terms “and” and “or” are both used in the inclusive sense; both require all information that meets the description of one or more of the disjunctive words or phrases.
4. “Preliminary Injunction Motion” shall mean the State of Oklahoma’s Motion for Preliminary Injunction filed on November 14, 2007 in the Lawsuit, any supporting briefs and exhibits and any subsequent amendments and/or supplements thereto.
5. “Document(s)” shall be used in its broadest sense as defined in Fed. R. Civ. P. 34(a) and shall mean and include all written, printed, typed, recorded or graphic matter of every kind and description, both originals and copies, and all attachments and appendices thereto. “Documents” also include lab reports, test results, QA/QC documents, chain of custody documents, data compilations, maps, photographs, sketches, notes and drawings. “Documents” also include all electronically stored information. Electronically stored information must be produced in its native electronic format.
6. The “Lawsuit” shall mean the action pending in the United States District Court for the Northern District of Oklahoma, Case No. 4:05-cv-00329-GKF-SAJ, and styled as *State of Oklahoma, et re., W.A. Drew Edmondson, in his capacity as Attorney General of the State of Oklahoma and Oklahoma Secretary of the Environment C. Miles Tolbert, in his capacity as the*

Trustee for Natural Resources for the State of Oklahoma v. Tyson Foods, Inc., Tyson Poultry, Inc., Tyson Chicken, Inc., Cobb-Vantress, Inc., Aviagen, Inc., Cal-Maine Foods, Inc., Cal-Maine Farms, Inc., Cargill, Inc., Cargill Turkey Production, LLC, George's, Inc., George's Farms, Inc., Peterson Farms, Inc., Simmons Foods, Inc. and Willow Brook Foods, Inc.

7. The "IRW" or "Watershed" shall refer to the Illinois River Watershed and shall have the same meaning as that expressed in the complaint(s) filed in the Lawsuit.

8. "You," "your" or "yourself" shall include Lowell Caneday and all employees independent contractors, agents, consultants, aides, servants, assistants, and any other persons or entities acting or purporting to act or who have acted on your behalf, at your direction or under your control in connection with your work related to the Lawsuit.

REQUESTS

(1) Your entire working file including but not limited to all correspondence (including e mails) between you and representatives of the State of Oklahoma, consultants retained by the State of Oklahoma or their attorneys and attorneys representing the State Oklahoma and all Documents prepared, obtained, received or reviewed by or made available to you in connection with the Lawsuit.

(2) All reports, affidavits and written testimony and written comments prepared, filed or submitted within the last 10 years by you in connection with civil or criminal lawsuits, arbitrations and administrative proceedings (including rulemaking proceedings) which discuss poultry production, the relationship between integrators and contract growers or the land application of poultry litter.

(3) All reports, affidavits and written testimony and written comments prepared, filed or submitted within the last 10 years by you in connection with civil or criminal lawsuits,

arbitrations and administrative proceedings (including rulemaking proceedings) which discuss the human health, ecological or environmental risks associated with the presence of or exposure to nutrients, metals, bacteria or hormones.

(4) All reports, affidavits and written testimony and written comments prepared, filed or submitted within the last 10 years by you in connection with civil or criminal lawsuits, arbitrations and administrative proceedings (including rulemaking proceedings) which discuss the IRW, environmental conditions of the IRW (including the condition of soils, sediments, surface water, ground water, drinking water and biota), sources of or contributors to the release of nutrients, metals, bacteria or hormones into the IRW.

(5) All reports, affidavits and written testimony and written comments prepared, filed or submitted within the last 10 years by you in connection with civil or criminal lawsuits, arbitrations and administrative proceedings (including rulemaking proceedings) which discuss recreational use of waters located within the IRW.

(6) Transcripts from all deposition, trial or hearing testimony given in the last 10 years by you in connection with civil or criminal lawsuits, arbitrations and administrative proceedings (including rulemaking proceedings) in which you were purportedly serving as an expert witness.

(7) All orders or written opinions entered by courts or administrative in any civil or criminal lawsuits, arbitrations and administrative proceedings (including rulemaking proceedings) excluding or limiting your proffered expert testimony or opinions.

(8) All Documents and tangible items upon which you relied in making your Affidavit submitted as Exhibit 2 to the Preliminary Injunction Motion filed in this Lawsuit.

United States District Court**NORTHERN DISTRICT OF OKLAHOMA**State of Oklahoma, *et al.*

SUBPOENA IN A CIVIL CASE

V.

Tyson Foods, Inc., *et al.*

CASE NUMBER: 4:05-CV-00329 GKF-SAJ

TO: **J. Berton Fisher**, 222 South Kenosha Ave, Tulsa, Oklahoma 74102☐ YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY

COURTROOM

DATE AND TIME

☐ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION

DATE AND TIME

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72701**DATE AND TIME
December 10, 2007 @ 9a.m.☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES

DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

Michael R. Bond, Attorney for Defendant Tyson Foods, Inc.

DATE

November 29, 2007

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

Michael R. Bond
KUTAK ROCK LLP
214 West Dickson Street
Fayetteville, AR 72701
(479) 973-4200

(See Rule 45, Federal Rules of Civil Procedure, Parts C & D on next page)

Subpoena in a Civil Case

PROOF OF SERVICE

SERVED	DATE	PLACE
SERVED ON (PRINT NAME)		MANNER OF SERVICE
SERVED BY (PRINT NAME)		TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on

Date

Signature of Server

Address of Server

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(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expenses resulting from the inspection and copying commanded.

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Trustee for Natural Resources for the State of Oklahoma v. Tyson Foods, Inc., Tyson Poultry, Inc., Tyson Chicken, Inc., Cobb-Vantress, Inc., Aviagen, Inc., Cal-Maine Foods, Inc., Cal-Maine Farms, Inc., Cargill, Inc., Cargill Turkey Production, LLC, George's, Inc., George's Farms, Inc., Peterson Farms, Inc., Simmons Foods, Inc. and Willow Brook Foods, Inc.

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(8) All Documents and tangible items upon which you relied in making your Affidavit submitted as Exhibit 3 to the Preliminary Injunction Motion filed in this Lawsuit.

United States District Court***SOUTHERN DISTRICT OF INDIANA***State of Oklahoma, *et al.***SUBPOENA IN A CIVIL CASE**

V.

Tyson Foods, Inc., *et al.***CASE NUMBER¹: 4:05-CV-00329 GKF-SAJ**
Northern District of Oklahoma**TO: Bernard A. Engle**, Purdue University, Department of Agricultural & Biological Engineering, 225 South University Street, West Lafayette, Indiana 47907☐ YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY

COURTROOM

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Michael R. Bond, Attorney for Defendant Tyson Foods, Inc.

DATE

November 29, 2007

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

Michael R. Bond
KUTAK ROCK LLP
214 West Dickson Street
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4813-6054-9378.1

Subpoena in a Civil Case

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5. “Document(s)” shall be used in its broadest sense as defined in Fed. R. Civ. P. 34(a) and shall mean and include all written, printed, typed, recorded or graphic matter of every kind and description, both originals and copies, and all attachments and appendices thereto. “Documents” also include lab reports, test results, QA/QC documents, chain of custody documents, data compilations, maps, photographs, sketches, notes and drawings. “Documents” also include all electronically stored information. Electronically stored information must be produced in its native electronic format.
6. The “Lawsuit” shall mean the action pending in the United States District Court for the Northern District of Oklahoma, Case No. 4:05-cv-00329-GKF-SAJ, and styled as *State of Oklahoma, et re., W.A. Drew Edmondson, in his capacity as Attorney General of the State of Oklahoma and Oklahoma Secretary of the Environment C. Miles Tolbert, in his capacity as the*

Trustee for Natural Resources for the State of Oklahoma v. Tyson Foods, Inc., Tyson Poultry, Inc., Tyson Chicken, Inc., Cobb-Vantress, Inc., Aviagen, Inc., Cal-Maine Foods, Inc., Cal-Maine Farms, Inc., Cargill, Inc., Cargill Turkey Production, LLC, George's, Inc., George's Farms, Inc., Peterson Farms, Inc., Simmons Foods, Inc. and Willow Brook Foods, Inc.

7. The "IRW" or "Watershed" shall refer to the Illinois River Watershed and shall have the same meaning as that expressed in the complaint(s) filed in the Lawsuit.

8. "You," "your" or "yourself" shall include Bernard A. Engel and all employees independent contractors, agents, consultants, aides, servants, assistants, and any other persons or entities acting or purporting to act or who have acted on your behalf, at your direction or under your control in connection with your work related to the Lawsuit.

REQUESTS

(1) Your entire working file including but not limited to all correspondence (including e mails) between you and representatives of the State of Oklahoma, consultants retained by the State of Oklahoma or their attorneys and attorneys representing the State Oklahoma and all Documents prepared, obtained, received or reviewed by or made available to you in connection with the Lawsuit.

(2) All reports, affidavits and written testimony and written comments prepared, filed or submitted within the last 10 years by you in connection with civil or criminal lawsuits, arbitrations and administrative proceedings (including rulemaking proceedings) which discuss poultry production, the relationship between integrators and contract growers or the land application of poultry litter.

(3) All reports, affidavits and written testimony and written comments prepared, filed or submitted within the last 10 years by you in connection with civil or criminal lawsuits,

arbitrations and administrative proceedings (including rulemaking proceedings) which discuss the human health, ecological or environmental risks associated with the presence of or exposure to nutrients, metals, bacteria or hormones.

(4) All reports, affidavits and written testimony and written comments prepared, filed or submitted within the last 10 years by you in connection with civil or criminal lawsuits, arbitrations and administrative proceedings (including rulemaking proceedings) which discuss the IRW, environmental conditions of the IRW (including the condition of soils, sediments, surface water, ground water, drinking water and biota), sources of or contributors to the release of nutrients, metals, bacteria or hormones into the IRW.

(5) All reports, affidavits and written testimony and written comments prepared, filed or submitted within the last 10 years by you in connection with civil or criminal lawsuits, arbitrations and administrative proceedings (including rulemaking proceedings) which discuss recreational use of waters located within the IRW.

(6) Transcripts from all deposition, trial or hearing testimony given in the last 10 years by you in connection with civil or criminal lawsuits, arbitrations and administrative proceedings (including rulemaking proceedings) in which you were purportedly serving as an expert witness.

(7) All orders or written opinions entered by courts or administrative in any civil or criminal lawsuits, arbitrations and administrative proceedings (including rulemaking proceedings) excluding or limiting your proffered expert testimony or opinions.

(8) All Documents and tangible items upon which you relied in making your Affidavit submitted as Exhibit 13 to the Preliminary Injunction Motion filed in this Lawsuit.

United States District Court

DISTRICT OF MARYLAND

State of Oklahoma, *et al.*

SUBPOENA IN A CIVIL CASE

V.

Tyson Foods, Inc., *et al.*

CASE NUMBER¹: 4:05-CV-00329 GKF-SAJ
Northern District of Oklahoma

TO: **Robert S. Lawrence**, 615 N. Wolfe St; E2152 Baltimore, Maryland 21205

☐ YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY

COURTROOM

DATE AND TIME

☐ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION

DATE AND TIME

☒ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): **See Exhibit A attached hereto.**

PLACE **KUTAK ROCK, LLP, 214 West Dickson Street, Fayetteville, Arkansas 72701**

DATE AND TIME
December 10, 2007 @ 9a.m.

☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES

DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

Michael R. Bond, Attorney for Defendant Tyson Foods, Inc.

DATE

November 29, 2007

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

Michael R. Bond
KUTAK ROCK LLP
214 West Dickson Street
Fayetteville, AR 72701
(479) 973-4200

(See Rule 45, Federal Rules of Civil Procedure, Parts C & D on next page)

¹ If action is pending in district other than district of issuance, state district under case number.
4834-5737-3698.1

Subpoena in a Civil Case

PROOF OF SERVICE

SERVED	DATE	PLACE
SERVED ON (PRINT NAME)		MANNER OF SERVICE
SERVED BY (PRINT NAME)		TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on

Date

Signature of Server

Address of Server

Rule 45, Federal Rules of Civil Procedure, Parts C & D:

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expenses resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance;

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in per-

son, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

(B) If a Subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrence in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

EXHIBIT A

DEFINITIONS

The following definitions shall apply to this Subpoena:

1. If a term is undefined, you shall ascribe the common, dictionary meaning to the term.
2. For purposes of these Requests: (i) the plural shall include the singular and the singular the plural; (ii) one gender shall include the other gender; and (iii) the past tense shall include the present tense and vice versa.
3. The terms “and” and “or” are both used in the inclusive sense; both require all information that meets the description of one or more of the disjunctive words or phrases.
4. “Preliminary Injunction Motion” shall mean the State of Oklahoma’s Motion for Preliminary Injunction filed on November 14, 2007 in the Lawsuit, any supporting briefs and exhibits and any subsequent amendments and/or supplements thereto.
5. “Document(s)” shall be used in its broadest sense as defined in Fed. R. Civ. P. 34(a) and shall mean and include all written, printed, typed, recorded or graphic matter of every kind and description, both originals and copies, and all attachments and appendices thereto. “Documents” also include lab reports, test results, QA/QC documents, chain of custody documents, data compilations, maps, photographs, sketches, notes and drawings. “Documents” also include all electronically stored information. Electronically stored information must be produced in its native electronic format.
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Trustee for Natural Resources for the State of Oklahoma v. Tyson Foods, Inc., Tyson Poultry, Inc., Tyson Chicken, Inc., Cobb-Vantress, Inc., Aviagen, Inc., Cal-Maine Foods, Inc., Cal-Maine Farms, Inc., Cargill, Inc., Cargill Turkey Production, LLC, George's, Inc., George's Farms, Inc., Peterson Farms, Inc., Simmons Foods, Inc. and Willow Brook Foods, Inc.

7. The "IRW" or "Watershed" shall refer to the Illinois River Watershed and shall have the same meaning as that expressed in the complaint(s) filed in the Lawsuit.

8. "You," "your" or "yourself" shall include Robert S. Lawrence and all employees independent contractors, agents, consultants, aides, servants, assistants, and any other persons or entities acting or purporting to act or who have acted on your behalf, at your direction or under your control in connection with your work related to the Lawsuit.

REQUESTS

(1) Your entire working file including but not limited to all correspondence (including e mails) between you and representatives of the State of Oklahoma, consultants retained by the State of Oklahoma or their attorneys and attorneys representing the State Oklahoma and all Documents prepared, obtained, received or reviewed by or made available to you in connection with the Lawsuit.

(2) All reports, affidavits and written testimony and written comments prepared, filed or submitted within the last 10 years by you in connection with civil or criminal lawsuits, arbitrations and administrative proceedings (including rulemaking proceedings) which discuss poultry production, the relationship between integrators and contract growers or the land application of poultry litter.

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arbitrations and administrative proceedings (including rulemaking proceedings) which discuss the human health, ecological or environmental risks associated with the presence of or exposure to nutrients, metals, bacteria or hormones.

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(6) Transcripts from all deposition, trial or hearing testimony given in the last 10 years by you in connection with civil or criminal lawsuits, arbitrations and administrative proceedings (including rulemaking proceedings) in which you were purportedly serving as an expert witness.

(7) All orders or written opinions entered by courts or administrative in any civil or criminal lawsuits, arbitrations and administrative proceedings (including rulemaking proceedings) excluding or limiting your proffered expert testimony or opinions.

(8) All Documents and tangible items upon which you relied in making your Affidavit submitted as Exhibit 17 to the Preliminary Injunction Motion filed in this Lawsuit.

United States District Court**MIDDLE DISTRICT OF FLORIDA**State of Oklahoma, *et al.***SUBPOENA IN A CIVIL CASE**

V.

Tyson Foods, Inc., *et al.***CASE NUMBER¹: 4:05-CV-00329 GKF-SAJ**
Northern District of OklahomaTO: **Valerie J. Harwood**, University of South Florida, Department of Biology, 4202 East Fowler Avenue SCA110, Tampa, Florida 33620☐ YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY

COURTROOM

DATE AND TIME

☐ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION

DATE AND TIME

☒ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): **See Exhibit A attached hereto.**PLACE **KUTAK ROCK, LLP, 214 West Dickson Street, Fayetteville, Arkansas 72701**DATE AND TIME
December 10, 2007 @ 9a.m.☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES

DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

Michael R. Bond, Attorney for Defendant Tyson Foods, Inc.

DATE

November 29, 2007

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

Michael R. Bond
KUTAK ROCK LLP
214 West Dickson Street
Fayetteville, AR 72701
(479) 973-4200

(See Rule 45, Federal Rules of Civil Procedure, Parts C & D on next page)

¹ If action is pending in district other than district of issuance, state district under case number.
4818-9689-6002.1

Subpoena in a Civil Case

PROOF OF SERVICE		
SERVED	DATE	PLACE
SERVED ON (PRINT NAME)		MANNER OF SERVICE
SERVED BY (PRINT NAME)		TITLE
DECLARATION OF SERVER		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.</p>		
<div style="display: flex; justify-content: space-between;"> <div style="width: 30%;"> <p>Executed on</p> <p style="text-align: center;">Date</p> </div> <div style="width: 65%;"> <p style="text-align: right;">_____ Signature of Server</p> <p style="text-align: right;">_____ Address of Server</p> </div> </div>		
<p>Rule 45, Federal Rules of Civil Procedure, Parts C & D:</p> <div style="display: flex;"> <div style="width: 50%; padding-right: 20px;"> <p>(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS</p> <p>(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.</p> <p>(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.</p> <p>(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expenses resulting from the inspection and copying commanded.</p> <p>(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it</p> <ul style="list-style-type: none"> (i) fails to allow reasonable time for compliance; (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in per- </div> <div style="width: 50%;"> <p>son, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held or</p> <ul style="list-style-type: none"> (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or (iv) subjects a person to undue burden. <p>(B) If a Subpoena</p> <ul style="list-style-type: none"> (i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrence in dispute and resulting from the expert's study made not at the request of any party, or (iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions. <p>(d) DUTIES IN RESPONDING TO SUBPOENA.</p> <p>(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.</p> <p>(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.</p> </div> </div>		

EXHIBIT A

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Trustee for Natural Resources for the State of Oklahoma v. Tyson Foods, Inc., Tyson Poultry, Inc., Tyson Chicken, Inc., Cobb-Vantress, Inc., Aviagen, Inc., Cal-Maine Foods, Inc., Cal-Maine Farms, Inc., Cargill, Inc., Cargill Turkey Production, LLC, George's, Inc., George's Farms, Inc., Peterson Farms, Inc., Simmons Foods, Inc. and Willow Brook Foods, Inc.

7. The "IRW" or "Watershed" shall refer to the Illinois River Watershed and shall have the same meaning as that expressed in the complaint(s) filed in the Lawsuit.

8. "You," "your" or "yourself" shall include Valerie J. Harwood and all employees independent contractors, agents, consultants, aides, servants, assistants, and any other persons or entities acting or purporting to act or who have acted on your behalf, at your direction or under your control in connection with your work related to the Lawsuit.

REQUESTS

(1) Your entire working file including but not limited to all correspondence (including e mails) between you and representatives of the State of Oklahoma, consultants retained by the State of Oklahoma or their attorneys and attorneys representing the State Oklahoma and all Documents prepared, obtained, received or reviewed by or made available to you in connection with the Lawsuit.

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(6) Transcripts from all deposition, trial or hearing testimony given in the last 10 years by you in connection with civil or criminal lawsuits, arbitrations and administrative proceedings (including rulemaking proceedings) in which you were purportedly serving as an expert witness.

(7) All orders or written opinions entered by courts or administrative in any civil or criminal lawsuits, arbitrations and administrative proceedings (including rulemaking proceedings) excluding or limiting your proffered expert testimony or opinions.

(8) All Documents and tangible items upon which you relied in making your Affidavit submitted as Exhibit 16 to the Preliminary Injunction Motion filed in this Lawsuit.

United States District Court***DISTRICT OF COLORADO***State of Oklahoma, *et al.***SUBPOENA IN A CIVIL CASE**

V.

Tyson Foods, Inc., *et al.***CASE NUMBER¹: 4:05-CV-00329 GKF-SAJ**
Northern District of Oklahoma**TO: Roger L. Olsen, Camp Dresser & McKee, Inc., 1331 Seventeenth Street Suite 1200, Denver, Colorado 80202**☐ YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY

COURTROOM

DATE AND TIME

☐ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION

DATE AND TIME

☒ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): **See Exhibit A attached hereto.**PLACE **KUTAK ROCK, LLP, 214 West Dickson Street, Fayetteville, Arkansas 72701**DATE AND TIME
December 10, 2007 @ 9a.m.☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES

DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

Michael R. Bond, Attorney for Defendant Tyson Foods, Inc.

DATE

November 29, 2007

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

Michael R. Bond
KUTAK ROCK LLP
214 West Dickson Street
Fayetteville, AR 72701
(479) 973-4200

(See Rule 45, Federal Rules of Civil Procedure, Parts C & D on next page)

¹ If action is pending in district other than district of issuance, state district under case number.
4818-6294-8354.1

Subpoena in a Civil Case

PROOF OF SERVICE

SERVED	DATE	PLACE
SERVED ON (PRINT NAME)		MANNER OF SERVICE
SERVED BY (PRINT NAME)		TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on

Date

Signature of Server

Address of Server

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(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

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(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expenses resulting from the inspection and copying commanded.

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(i) fails to allow reasonable time for compliance;

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in per-

son, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held or

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(B) If a Subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

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(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

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EXHIBIT A

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1. If a term is undefined, you shall ascribe the common, dictionary meaning to the term.
2. For purposes of these Requests: (i) the plural shall include the singular and the singular the plural; (ii) one gender shall include the other gender; and (iii) the past tense shall include the present tense and vice versa.
3. The terms “and” and “or” are both used in the inclusive sense; both require all information that meets the description of one or more of the disjunctive words or phrases.
4. “Preliminary Injunction Motion” shall mean the State of Oklahoma’s Motion for Preliminary Injunction filed on November 14, 2007 in the Lawsuit, any supporting briefs and exhibits and any subsequent amendments and/or supplements thereto.
5. “Document(s)” shall be used in its broadest sense as defined in Fed. R. Civ. P. 34(a) and shall mean and include all written, printed, typed, recorded or graphic matter of every kind and description, both originals and copies, and all attachments and appendices thereto. “Documents” also include lab reports, test results, QA/QC documents, chain of custody documents, data compilations, maps, photographs, sketches, notes and drawings. “Documents” also include all electronically stored information. Electronically stored information must be produced in its native electronic format.
6. The “Lawsuit” shall mean the action pending in the United States District Court for the Northern District of Oklahoma, Case No. 4:05-cv-00329-GKF-SAJ, and styled as *State of Oklahoma, et re., W.A. Drew Edmondson, in his capacity as Attorney General of the State of Oklahoma and Oklahoma Secretary of the Environment C. Miles Tolbert, in his capacity as the*

Trustee for Natural Resources for the State of Oklahoma v. Tyson Foods, Inc., Tyson Poultry, Inc., Tyson Chicken, Inc., Cobb-Vantress, Inc., Aviagen, Inc., Cal-Maine Foods, Inc., Cal-Maine Farms, Inc., Cargill, Inc., Cargill Turkey Production, LLC, George's, Inc., George's Farms, Inc., Peterson Farms, Inc., Simmons Foods, Inc. and Willow Brook Foods, Inc.

7. The "IRW" or "Watershed" shall refer to the Illinois River Watershed and shall have the same meaning as that expressed in the complaint(s) filed in the Lawsuit.

8. "You," "your" or "yourself" shall include Roger L. Olsen and all employees independent contractors, agents, consultants, aides, servants, assistants, and any other persons or entities acting or purporting to act or who have acted on your behalf, at your direction or under your control in connection with your work related to the Lawsuit.

REQUESTS

(1) Your entire working file including but not limited to all correspondence (including e mails) between you and representatives of the State of Oklahoma, consultants retained by the State of Oklahoma or their attorneys and attorneys representing the State Oklahoma and all Documents prepared, obtained, received or reviewed by or made available to you in connection with the Lawsuit.

(2) All reports, affidavits and written testimony and written comments prepared, filed or submitted within the last 10 years by you in connection with civil or criminal lawsuits, arbitrations and administrative proceedings (including rulemaking proceedings) which discuss poultry production, the relationship between integrators and contract growers or the land application of poultry litter.

(3) All reports, affidavits and written testimony and written comments prepared, filed or submitted within the last 10 years by you in connection with civil or criminal lawsuits,

arbitrations and administrative proceedings (including rulemaking proceedings) which discuss the human health, ecological or environmental risks associated with the presence of or exposure to nutrients, metals, bacteria or hormones.

(4) All reports, affidavits and written testimony and written comments prepared, filed or submitted within the last 10 years by you in connection with civil or criminal lawsuits, arbitrations and administrative proceedings (including rulemaking proceedings) which discuss the IRW, environmental conditions of the IRW (including the condition of soils, sediments, surface water, ground water, drinking water and biota), sources of or contributors to the release of nutrients, metals, bacteria or hormones into the IRW.

(5) All reports, affidavits and written testimony and written comments prepared, filed or submitted within the last 10 years by you in connection with civil or criminal lawsuits, arbitrations and administrative proceedings (including rulemaking proceedings) which discuss recreational use of waters located within the IRW.

(6) Transcripts from all deposition, trial or hearing testimony given in the last 10 years by you in connection with civil or criminal lawsuits, arbitrations and administrative proceedings (including rulemaking proceedings) in which you were purportedly serving as an expert witness.

(7) All orders or written opinions entered by courts or administrative in any civil or criminal lawsuits, arbitrations and administrative proceedings (including rulemaking proceedings) excluding or limiting your proffered expert testimony or opinions.

(8) All Documents and tangible items upon which you relied in making your Affidavit submitted as Exhibit 15 to the Preliminary Injunction Motion filed in this Lawsuit.

United States District Court**MIDDLE DISTRICT OF ALABAMA**State of Oklahoma, *et al.***SUBPOENA IN A CIVIL CASE**

V.

Tyson Foods, Inc., *et al.***CASE NUMBER¹: 4:05-CV-00329 GKF-SAJ**
Northern District of Oklahoma**TO: C. Robert Taylor**, Alabama Crop Improvement Building, South Donahue Drive, Auburn University, Alabama 36849☐ YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY

COURTROOM

DATE AND TIME

☐ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION

DATE AND TIME

☒ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): **See Exhibit A attached hereto.**PLACE **KUTAK ROCK, LLP, 214 West Dickson Street, Fayetteville, Arkansas 72701**DATE AND TIME
December 10, 2007 @ 9a.m.☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES

DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

Michael R. Bond, Attorney for Defendant Tyson Foods, Inc.

DATE

November 29, 2007

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

Michael R. Bond
KUTAK ROCK LLP
214 West Dickson Street
Fayetteville, AR 72701
(479) 973-4200

(See Rule 45, Federal Rules of Civil Procedure, Parts C & D on next page)

¹ If action is pending in district other than district of issuance, state district under case number.
4843-2834-7138.1

Subpoena in a Civil Case

PROOF OF SERVICE

SERVED	DATE	PLACE
SERVED ON (PRINT NAME)		MANNER OF SERVICE
SERVED BY (PRINT NAME)		TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on

Date

Signature of Server

Address of Server

Rule 45, Federal Rules of Civil Procedure, Parts C & D:

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expenses resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance;

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in per-

son, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

(B) If a Subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrence in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

EXHIBIT A

DEFINITIONS

The following definitions shall apply to this Subpoena:

1. If a term is undefined, you shall ascribe the common, dictionary meaning to the term.
2. For purposes of these Requests: (i) the plural shall include the singular and the singular the plural; (ii) one gender shall include the other gender; and (iii) the past tense shall include the present tense and vice versa.
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Trustee for Natural Resources for the State of Oklahoma v. Tyson Foods, Inc., Tyson Poultry, Inc., Tyson Chicken, Inc., Cobb-Vantress, Inc., Aviagen, Inc., Cal-Maine Foods, Inc., Cal-Maine Farms, Inc., Cargill, Inc., Cargill Turkey Production, LLC, George's, Inc., George's Farms, Inc., Peterson Farms, Inc., Simmons Foods, Inc. and Willow Brook Foods, Inc.

7. The "IRW" or "Watershed" shall refer to the Illinois River Watershed and shall have the same meaning as that expressed in the complaint(s) filed in the Lawsuit.

8. "You," "your" or "yourself" shall include C. Robert Taylor and all employees independent contractors, agents, consultants, aides, servants, assistants, and any other persons or entities acting or purporting to act or who have acted on your behalf, at your direction or under your control in connection with your work related to the Lawsuit.

REQUESTS

(1) Your entire working file including but not limited to all correspondence (including e mails) between you and representatives of the State of Oklahoma, consultants retained by the State of Oklahoma or their attorneys and attorneys representing the State Oklahoma and all Documents prepared, obtained, received or reviewed by or made available to you in connection with the Lawsuit.

(2) All reports, affidavits and written testimony and written comments prepared, filed or submitted within the last 10 years by you in connection with civil or criminal lawsuits, arbitrations and administrative proceedings (including rulemaking proceedings) which discuss poultry production, the relationship between integrators and contract growers or the land application of poultry litter.

(3) All reports, affidavits and written testimony and written comments prepared, filed or submitted within the last 10 years by you in connection with civil or criminal lawsuits,

arbitrations and administrative proceedings (including rulemaking proceedings) which discuss the human health, ecological or environmental risks associated with the presence of or exposure to nutrients, metals, bacteria or hormones.

(4) All reports, affidavits and written testimony and written comments prepared, filed or submitted within the last 10 years by you in connection with civil or criminal lawsuits, arbitrations and administrative proceedings (including rulemaking proceedings) which discuss the IRW, environmental conditions of the IRW (including the condition of soils, sediments, surface water, ground water, drinking water and biota), sources of or contributors to the release of nutrients, metals, bacteria or hormones into the IRW.

(5) All reports, affidavits and written testimony and written comments prepared, filed or submitted within the last 10 years by you in connection with civil or criminal lawsuits, arbitrations and administrative proceedings (including rulemaking proceedings) which discuss recreational use of waters located within the IRW.

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(7) All orders or written opinions entered by courts or administrative in any civil or criminal lawsuits, arbitrations and administrative proceedings (including rulemaking proceedings) excluding or limiting your proffered expert testimony or opinions.

(8) All Documents and tangible items upon which you relied in making your Affidavit submitted as Exhibit 5 to the Preliminary Injunction Motion filed in this Lawsuit.

United States District Court**NORTHERN DISTRICT OF FLORIDA**State of Oklahoma, *et al.*

SUBPOENA IN A CIVIL CASE

V.

Tyson Foods, Inc., *et al.*CASE NUMBER¹: 4:05-CV-00329 GKF-SAJ
Northern District of OklahomaTO: **Christopher M. Teaf**, Center for Biomedical and Toxicological Research, 226 Herb Morgan Building, 2035 East Paul Dirac Drive, Tallahassee, Florida 32310☐ YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY

COURTROOM

DATE AND TIME

☐ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION

DATE AND TIME

☒ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): **See Exhibit A attached hereto.**PLACE **KUTAK ROCK, LLP, 214 West Dickson Street, Fayetteville, Arkansas 72701**DATE AND TIME
December 10, 2007 @ 9a.m.☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES

DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

Michael R. Bond, Attorney for Defendant Tyson Foods, Inc.

DATE

November 29, 2007

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

Michael R. Bond
KUTAK ROCK LLP
214 West Dickson Street
Fayetteville, AR 72701
(479) 973-4200

(See Rule 45, Federal Rules of Civil Procedure, Parts C & D on next page)

¹ If action is pending in district other than district of issuance, state district under case number.
4813-9194-1122.1

Subpoena in a Civil Case

PROOF OF SERVICE

SERVED	DATE	PLACE
SERVED ON (PRINT NAME)		MANNER OF SERVICE
SERVED BY (PRINT NAME)		TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on

Date

Signature of Server

Address of Server

Rule 45, Federal Rules of Civil Procedure, Parts C & D:

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expenses resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance;

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in per-

son, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

(B) If a Subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrence in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

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(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

EXHIBIT A

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Trustee for Natural Resources for the State of Oklahoma v. Tyson Foods, Inc., Tyson Poultry, Inc., Tyson Chicken, Inc., Cobb-Vantress, Inc., Aviagen, Inc., Cal-Maine Foods, Inc., Cal-Maine Farms, Inc., Cargill, Inc., Cargill Turkey Production, LLC, George's, Inc., George's Farms, Inc., Peterson Farms, Inc., Simmons Foods, Inc. and Willow Brook Foods, Inc.

7. The "IRW" or "Watershed" shall refer to the Illinois River Watershed and shall have the same meaning as that expressed in the complaint(s) filed in the Lawsuit.

8. "You," "your" or "yourself" shall include Christopher M. Teaf and all employees independent contractors, agents, consultants, aides, servants, assistants, and any other persons or entities acting or purporting to act or who have acted on your behalf, at your direction or under your control in connection with your work related to the Lawsuit.

REQUESTS

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arbitrations and administrative proceedings (including rulemaking proceedings) which discuss the human health, ecological or environmental risks associated with the presence of or exposure to nutrients, metals, bacteria or hormones.

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(6) Transcripts from all deposition, trial or hearing testimony given in the last 10 years by you in connection with civil or criminal lawsuits, arbitrations and administrative proceedings (including rulemaking proceedings) in which you were purportedly serving as an expert witness.

(7) All orders or written opinions entered by courts or administrative in any civil or criminal lawsuits, arbitrations and administrative proceedings (including rulemaking proceedings) excluding or limiting your proffered expert testimony or opinions.

(8) All Documents and tangible items upon which you relied in making your Affidavit submitted as Exhibit 4 to the Preliminary Injunction Motion filed in this Lawsuit.

United States District Court**WESTERN DISTRICT OF OKLAHOMA**State of Oklahoma, *et al.*

SUBPOENA IN A CIVIL CASE

V.

Tyson Foods, Inc., *et al.*CASE NUMBER¹: 4:05-CV-00329 GKF-SAJ
Northern District of OklahomaTO: **Gordon Johnson**, 269 North Ag Hall, Department of Plant and Soil Sciences, Oklahoma State University, Stillwater, Oklahoma 74078☐ YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY

COURTROOM

DATE AND TIME

☐ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

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December 10, 2007 @ 9a.m.☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES

DATE AND TIME

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ISSUING OFFICER SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

Michael R. Bond, Attorney for Defendant Tyson Foods, Inc.

DATE

November 29, 2007

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

Michael R. Bond
KUTAK ROCK LLP
214 West Dickson Street
Fayetteville, AR 72701
(479) 973-4200

(See Rule 45, Federal Rules of Civil Procedure, Parts C & D on next page)

¹ If action is pending in district other than district of issuance, state district under case number.
4813-7496-7298.1

Subpoena in a Civil Case

PROOF OF SERVICE

SERVED	DATE	PLACE
SERVED ON (PRINT NAME)		MANNER OF SERVICE
SERVED BY (PRINT NAME)		TITLE

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

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son, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held or

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1. If a term is undefined, you shall ascribe the common, dictionary meaning to the term.

2. For purposes of these Requests: (i) the plural shall include the singular and the singular the plural; (ii) one gender shall include the other gender; and (iii) the past tense shall include the present tense and vice versa.

3. The terms “and” and “or” are both used in the inclusive sense; both require all information that meets the description of one or more of the disjunctive words or phrases.

4. “Preliminary Injunction Motion” shall mean the State of Oklahoma’s Motion for Preliminary Injunction filed on November 14, 2007 in the Lawsuit, any supporting briefs and exhibits and any subsequent amendments and/or supplements thereto.

5. “Document(s)” shall be used in its broadest sense as defined in Fed. R. Civ. P. 34(a) and shall mean and include all written, printed, typed, recorded or graphic matter of every kind and description, both originals and copies, and all attachments and appendices thereto. “Documents” also include lab reports, test results, QA/QC documents, chain of custody documents, data compilations, maps, photographs, sketches, notes and drawings. “Documents” also include all electronically stored information. Electronically stored information must be produced in its native electronic format.

6. The “Lawsuit” shall mean the action pending in the United States District Court for the Northern District of Oklahoma, Case No. 4:05-cv-00329-GKF-SAJ, and styled as *State of Oklahoma, et re., W.A. Drew Edmondson, in his capacity as Attorney General of the State of Oklahoma and Oklahoma Secretary of the Environment C. Miles Tolbert, in his capacity as the*

Trustee for Natural Resources for the State of Oklahoma v. Tyson Foods, Inc., Tyson Poultry, Inc., Tyson Chicken, Inc., Cobb-Vantress, Inc., Aviagen, Inc., Cal-Maine Foods, Inc., Cal-Maine Farms, Inc., Cargill, Inc., Cargill Turkey Production, LLC, George's, Inc., George's Farms, Inc., Peterson Farms, Inc., Simmons Foods, Inc. and Willow Brook Foods, Inc.

7. The "IRW" or "Watershed" shall refer to the Illinois River Watershed and shall have the same meaning as that expressed in the complaint(s) filed in the Lawsuit.

8. "You," "your" or "yourself" shall include Gordon Johnson and all employees independent contractors, agents, consultants, aides, servants, assistants, and any other persons or entities acting or purporting to act or who have acted on your behalf, at your direction or under your control in connection with your work related to the Lawsuit.

REQUESTS

(1) Your entire working file including but not limited to all correspondence (including e mails) between you and representatives of the State of Oklahoma, consultants retained by the State of Oklahoma or their attorneys and attorneys representing the State Oklahoma and all Documents prepared, obtained, received or reviewed by or made available to you in connection with the Lawsuit.

(2) All reports, affidavits and written testimony and written comments prepared, filed or submitted within the last 10 years by you in connection with civil or criminal lawsuits, arbitrations and administrative proceedings (including rulemaking proceedings) which discuss poultry production, the relationship between integrators and contract growers or the land application of poultry litter.

(3) All reports, affidavits and written testimony and written comments prepared, filed or submitted within the last 10 years by you in connection with civil or criminal lawsuits,

arbitrations and administrative proceedings (including rulemaking proceedings) which discuss the human health, ecological or environmental risks associated with the presence of or exposure to nutrients, metals, bacteria or hormones.

(4) All reports, affidavits and written testimony and written comments prepared, filed or submitted within the last 10 years by you in connection with civil or criminal lawsuits, arbitrations and administrative proceedings (including rulemaking proceedings) which discuss the IRW, environmental conditions of the IRW (including the condition of soils, sediments, surface water, ground water, drinking water and biota), sources of or contributors to the release of nutrients, metals, bacteria or hormones into the IRW.

(5) All reports, affidavits and written testimony and written comments prepared, filed or submitted within the last 10 years by you in connection with civil or criminal lawsuits, arbitrations and administrative proceedings (including rulemaking proceedings) which discuss recreational use of waters located within the IRW.

(6) Transcripts from all deposition, trial or hearing testimony given in the last 10 years by you in connection with civil or criminal lawsuits, arbitrations and administrative proceedings (including rulemaking proceedings) in which you were purportedly serving as an expert witness.

(7) All orders or written opinions entered by courts or administrative in any civil or criminal lawsuits, arbitrations and administrative proceedings (including rulemaking proceedings) excluding or limiting your proffered expert testimony or opinions.

(8) All Documents and tangible items upon which you relied in making your Affidavit submitted as Exhibit 14 to the Preliminary Injunction Motion filed in this Lawsuit.